

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:06CV255-1-MU

JACK MOORE,)	
)	
Petitioner,)	
)	
v.)	<u>O R D E R</u>
)	
SIDNEY HARKLEROAD,)	
)	
Respondent.)	
)	

THIS MATTER comes before the Court upon Petitioner's Motion to Correct Discrepancies (Doc. No. 48), filed March 27, 2008, Petitioner's Motion for Summary Judgment (Doc. No. 54), filed September 30, 2008, and Petitioner's "Motion to Investigate Dishonesty in the Office of Graham C. Mullen," (Doc. No. 55), filed January 28, 2009.

On August 22, 2006, Petitioner filed a petition for writ of habeas corpus with this Court. On January 17, 2007, this Court dismissed Petitioner's habeas petition. On July 20, 2007, the United States Court of Appeals for the Fourth Circuit dismissed Petitioner's appeal.

Now before this Court is another motion by Petitioner regarding alleged discrepancies with the docketing of his case. Petitioner seems to be arguing that, contrary to this Court's ruling, he did in fact exhaust his claims. The fact that the docket sheet does not explicitly reflect that certain exhibits were filed does not mean the Court did not receive such documents. Indeed, a review of the file reveals that the Court has these exhibits and that these exhibits would have gone with the file to the Fourth Circuit. Any argument regarding the fact that he did in fact exhaust his claims should have been raised by Petitioner in the Fourth Circuit. His motion is

denied.

Petitioner has also filed a Motion for Summary Judgment seeking to reverse this Court's order dismissing his habeas petition. The Fourth Circuit has affirmed this Court's ruling. Consequently, this Court is without jurisdiction to reverse its order. Moreover, Petitioner's Motion for Summary Judgment, which is really a motion to reconsider is untimely.

Most recently, Petitioner has filed a motion alleging dishonesty in the undersigned's office. Such a motion is meritless and is denied.

THEREFORE, IT IS HEREBY ORDERED that:

1. Petitioner's Motion to Correct Docket Discrepancies (Doc. No. 48) is **DENIED**;
2. Petitioner's Motion for Summary Judgment (Doc. No. 54) is **DENIED**; and
3. Petitioner's "Motion to Investigate Dishonesty in the Office of Graham C. Mullen," (Doc. No. 55) is **DENIED**.

Signed: February 3, 2009



Graham C. Mullen
United States District Judge

